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OFFICE OF PETITIONS

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901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

In re	:
Coen. et al.	:
Application No. 09/816,467	: DECISION REGARDING
Filed: March 26, 2001	: PATENT TERM ADJUSTMENT
Attorney Docket No. 03495.0174-01	:

This decision is in response to the "NOTICE OF POSSIBLE ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT AND REQUEST FOR CLARIFICATION OF CALCULATION", filed April 25, 2008, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **four hundred eleven (411) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office determined a patent term adjustment of four hundred twelve (412) days based on an adjustment for PTO delay of one hundred twenty-three (123) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and seven hundred twenty-four (724) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and

37 C.F.R. § 1.703(b)(4) reduced by twenty-three (23), sixty-one (61), ninety-one (91), ninety-one (91), ninety (90), and seventy-nine (79) days of applicant delay, all pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of seven hundred twenty-four (724) days is at issue.

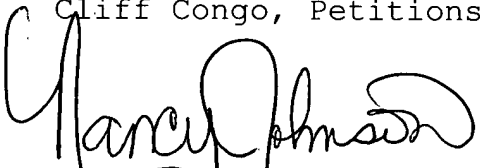
The Office should have been assessed seven hundred twenty-three (723) days pursuant to 37 C.F.R. 1.703(b)(4), not seven hundred twenty-four (724) days as indicated in PAIR. Applicants filed a Notice of Appeal on November 4, 2003. A review of the official record indicates that the Board mailed its decision on October 26, 2005, not October 27, 2005 as indicated in PAIR. Accordingly, seven hundred twenty-three (723) days of PTO delay is the proper calculation.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **four hundred eleven (411)** days (846 days of PTO delay, reduced by 435 days of applicant delay).

No petition fee was required and none has been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enc: updated PALM screen

Day : Monday
Date: 7/28/2008

PALM INTRANET

Time: 17:02:41

PTA Calculations for Application: 09/816467

Application Filing Date:	03/26/2001	PTO Delay (PTO):	847
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	435
Post-Issue Petitions:	0	Total PTA (days):	411
PTO Delay Adjustment:	-1		

File Contents History

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79	02/27/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
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74	02/27/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
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72	01/04/2007	ADVISORY ACTION (PTOL-303)			
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58	09/13/2005	CONFIRMATION OF HEARING BY APPELLANT			
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11	08/20/2002	CASE DOCKETED TO EXAMINER IN GAU			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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